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EMPLOYMENT DISCRIMINATION: 45 YEARS OF ENFORCEMENT OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

PANELIST BIOGRAPHIES

Richard Ugelow is on the faculty of American University's Washington College of Law, where he teaches clinical legal education. He also teaches a course on employment discrimination.

Prior to joining the law school faculty in 2002, Professor Ugelow was a Deputy Section Chief of the Employment Litigation Section ("ELS"), Civil Rights Division, United States Department of Justice ("DOJ"). There, he supervised investigations and litigation to enforce Title VII of the Civil Rights Act of 1964. During the course of his twenty-nine year career at the DOJ, he litigated complex pattern or practice cases of employment discrimination filed against public sector and private employers pursuant to Title VII. He was also the government's lead trial attorney in defending challenges to the constitutionality of federally-sponsored affirmative action programs, particularly statutes and programs designed to provide contracting opportunities to minority, disadvantaged, and women-owned businesses.

While at the DOJ, Professor Ugelow frequently spoke at conferences concerning the development of lawful and nondiscriminatory selection and promotional procedures for police officers and fire fighters. He has published on the subjects of discrimination encountered by women seeking employment in physically demanding jobs and the role of expert witnesses in employment discrimination litigation.

From 1969–1973, Professor Ugelow was a Captain in the Army's Judge Advocate General's Corps.

WELCOME REMARKS: OVERVIEW OF TITLE VII

Susan Carle is a Professor of Law at American University's Washington College of Law. Her teaching and research interests lie primarily in the areas of legal ethics, the history and sociology of the legal profession, employment discrimination, labor and employment law, and torts. She is currently at work on a project examining the many ideas about economic justice and strategies for advancing the cause of economic justice held by the generation of race leaders who constituted the forerunners of the National Association for the Advancement of Colored People ("NAACP"). She is the author of numerous scholarly works examining the transmission and transformation of ideas about public interest law practice, as well as other ethics topics, for which she has won several awards. In Spring of 2006, she served as Visiting Professor of Law at Harvard Law School. Among other professional service commitments, she serves on the D.C. Bar Rules of Professional Conduct Review Committee and the Legal Ethics Advisory Committee of the National Disability Rights Network. She also served as the First Associate Dean for Scholarship at the law school from 2005 to 2008.

David L. Rose has been engaged in the private practice of law since December 2, 1987 specializing in litigation, particularly in equal employment opportunity and other employment, environmental, and appellate law. Rose & Rose, P.C. ("The Firm") was established in 1995, and has engaged in a national practice of equal employment opportunity law, primarily for employees and applicants for employment and organizations representing them.

The Firm's clients have included many individuals; the NAACP; the City of Detroit; the National Wildlife Association; the Neuse River Foundation; a Washington, D.C. law firm; the Braxton Citizens for a Better Environment; and the National Consumers League. Reported decisions in the Firm's cases include *Federal Express Corp. v. Holowecki*, 552 U.S. 389 (2008), affirming the ruling for Plaintiffs in *Holowecki v. Federal Express Corp.*, 440 F.3d 558 (2d Cir. 2006) both cases briefed and argued by the Firm; *Schuler v. Price Waterhouse Coopers, LLP*, 514 F.3d 1365 (D.C. Cir. 2008); *Thomas v. National Football League Players Ass'n*, 273 F.3d 1124 (D.C. Cir. 2001); *NAACP v. City of Parma*, 263 F.3d 513 (6th Cir. 2001); *NAACP v. Town of East Haven*, 259 F.3d 113 (2d Cir. 2001); *Adams v. Ameritech Services, Inc.*, 231 F.3d 414 (7th Cir. 2000); *Thomas v. National Football League Players Ass'n*, 131 F.3d 198 (D.C. Cir. 1997); *NAACP v. Town of East Haven*, 70 F.3d 219 (2d Cir. 1995); *Berry v. City of Detroit*, 25 F.3d 1342 (6th Cir. 1994); *City of Houston v. Department of Housing & Urban Development*, 24 F.3d 1421 (D.C. Cir. 1994); *NAACP v. Town of Harrison*, 940 F.2d 792 (3d Cir. 1991); *National Wildlife Federation v. Hanson*, 859 F.2d 313 (4th Cir. 1988); *Taylor v. Social Security Administration*, 2006 WL 1310233 (EEOC May 5, 2006); *NAACP v. New Jersey Department of Law & Public Safety*, 711 A.2d 1355 (N.J. Super. Ct. App. Div. 1998); *Payton v. City of Detroit*, 551 N.W.2d 187 (Mich. 1996); *Payton v. City of Detroit*, 536 N.W.2d 233 (Mich. Ct. App. 1995); *Detroit v. Qualls*, 454 N.W.2d 374 (Mich. 1990).

Mr. Rose has been a Fellow of the College of Labor and Employment Lawyers since 1996. He served as a member of the Committee on Assessment

and Teacher Quality of the National Resources Council of the National Academies from mid-1999 until 2001. The Report of that Committee is published as: Karen Mitchell et al., *Testing Teacher Candidates, The Role of Licensure Tests in Improving Teacher Quality* (2001).

From October 6, 1969 through December 1, 1987, Mr. Rose was the Chief of the ELS of the Civil Rights Division of the DOJ. As such, he was responsible, subject to the direction of the Assistant Attorney General, Civil Rights, for developing and implementing the Department's litigation program to secure enforcement of Title VII of the Civil Rights Act of 1964, and other provisions of federal law requiring non-discrimination in employment and equal employment opportunity; and he directed the litigation activities of twenty-five to thirty-five lawyers in federal courts throughout the United States. He participated personally in a number of landmark cases in equal employment opportunity law, including: *Bazemore v. Friday*, 478 U.S. 385 (1986); *Moody v. Albemarle Paper Co.*, 417 U.S. 622 (1974); *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971); *Contractors Ass'n. of Eastern Pennsylvania v. Secretary of Labor*, 442 F.2d 159 (3d Cir. 1971); *Local 189, United Papermakers v. United States*, 416 F.2d 980 (5th Cir. 1969); and *EEOC v. AT&T*, 556 F.2d 167 (3d Cir. 1977). He participated personally in major consent orders for the United States, including *AT&T* and those with the trucking and steel industries.

From 1972 through 1980, he was the DOJ's representative and chairman of the interagency staff committee that developed the "Uniform Guidelines on Employee Selection Procedures," adopted by the DOJ, Department of Labor, Department of the Treasury, the Equal Employment Opportunity Commission ("EEOC"), and the Civil Service Commission in 1978; and the interpretive "Questions and Answers" adopted by those agencies in 1979 and 1980. The Uniform Guidelines are still in force, at 29 C.F.R. § 1607 (2010).

From April 4, 1967 through October 6, 1969, Mr. Rose served as Special Assistant to the Attorney General for Title VI of the Civil Rights Act of 1964. As such, he was responsible to the Attorney General for coordinating the efforts of federal fund-granting agencies to enforce the provisions of that Title, which prohibit discrimination in federally assisted programs and activities.

Mr. Rose received his A.B. with honors from Harvard College in 1953, and his LL.B. with honors from Harvard Law School in 1956. Mr. Rose served as a lawyer in the Civil Division of the DOJ from September 1956 to April 4, 1967, and, from 1967 through December 1, 1987, was an attorney and Section Chief in the Civil Rights Division. With the exception of a six month tour of active duty in the United States Army Reserve, he spent the first three years handling litigation at the trial level. Thereafter, he was in the Appellate Section of the Civil Division, representing the United States and its agencies in the federal courts of appeals, some state appellate courts, and the Supreme Court. He became an Assistant Section Chief in 1965. He argued approximately eighty-five appellate cases while in that section, including three cases in the Supreme Court. His most recent argument in the Supreme Court was on November 6, 2007 in *Federal Express Corp. v. Holowecki*, 552 U.S. 389 (2008).

Mr. Rose received a number of awards while in government service, including the Senior Executive Meritorious Awards, the Attorney General's Distinguished Service Award in 1978, and the Younger Federal Lawyer Award

of the Federal Bar Association.

From 1977–1981, Mr. Rose was a member of the Adjunct Faculty of the Georgetown University Law Center, where he taught “Federal Courts and the Federal System.” He rejoined the Adjunct Faculty at Georgetown in 1991, where he shared the teaching of an Equal Employment Opportunity Law course with Douglas Huron through the 1993–94 school year.

Mr. Rose is the author of *Twenty-Five Years Later: Where Do We Stand on Equal Employment Opportunity Law Enforcement?*, 42 *Vanderbilt Law Review* 1121 (1989); and *Subjective Employment Practices: Does the Discriminatory Impact Analysis Apply?*, 25 *San Diego Law Review* 63 (1988). He is also the editor of a chapter of *Employment Discrimination Law* (3d ed. 1996) for the ABA Section of Labor and Employment Law. He testified before committees of the House of Representatives in 1990, 1991, and 1994.

Mr. Rose resides in Chevy Chase, Maryland, with his wife Ann. They are the parents of four adults and have ten grandchildren.

Vicki Shultz is the Ford Foundation Professor of Law at Yale Law School. Her areas of focus include employment discrimination law, civil procedure, feminism and law, and gender and work. Her publications include Vicki Shultz & Allison Hoffman, *The Need for a Reduced Workweek in the United States* (Yale Law School, Public Law Working Paper No. 91, 2004) and Vicki Shultz, *The Sanitized Workplace*, 112 *Yale Law Journal* 2061 (2002). Professor Schultz earned a B.A. from the University of Texas and a J.D. from Harvard University.

ELS ENFORCEMENT 1965–1974

Joel Contreras earned a B.A. from the University of Oklahoma in 1965 and a J.D. from the University of Texas in 1969. In 1969, Mr. Contreras was employed at the EEOC in Austin, Texas. From January 1971 to December 1973, Mr. Contreras worked at DOJ, Civil Rights Division, ELS in Washington, D.C. and in 1974 he worked for the Lawyer’s Committee for Civil Rights, also in Washington, D.C. From 1975 until 1980, Mr. Contreras worked for the Mexican American Legal Defense & Educational Fund as a Director Employment Litigation in San Francisco, California. Mr. Contreras also served as Chief Counsel from 1980 until 1982 at the California Employment Development Department in Sacramento, California. Since 1982, Mr. Contreras has worked for the California Unemployment Insurance Appeals Board. He first served as an Administrative Law Judge (ALJ), then as a Chief ALJ, then as an ALJ I, and since July 2005 as an ALJ II.

Squire Padgett started at the DOJ in June of 1970. Late on the afternoon of the first day of employment Mr. Padgett was sent to Birmingham, Alabama to investigate what became *United States v. U.S. Steel Corp.*, 520 F.2d 1043 (5th Cir. 1975) and later the nationwide steel consent decree; *United States v. Allegheny-Ludlum Corp.*, 366 F.3d 164 (3d Cir. 2004). Mr. Padgett was also responsible for compliance in *United States v. Roadway Express, Inc.*, 457 F.2d 854 (1972); a case that integrated job sequences.

In 1974–1975, Mr. Padgett investigated, and was lead attorney for the United States in, a suit filed against the City of Miami, Florida, *United States v. City of Miami*, 664 F.2d 435 (5th Cir. 1981). In that case, he argued before an en banc Fifth Circuit Court of Appeals. That consent decree is still in place today.

Finally, Mr. Padgett was the lead attorney in *Bazemore v. Friday*, 478 U.S. 385 (1986) before the Supreme Court. The case, among other issues, determined the standard for the use of regression analysis in employment discrimination cases. Mr. Padgett left the Department in July of 1982.

Robert Marshall became an Assistant U. S. Attorney in Colorado. Since then he has worked in civil litigation with various firms. Mr. Marshall is presently a civil litigator with the law firm of Carpenter & Klatskin in Denver, Colorado.

Mr. Marshall worked in the ELS starting in January 1970. He transferred to the Criminal Section of Civil Rights near the end of 1971. Mr. Marshall stayed with the Criminal Section until March of 1973. His first case was to write a brief opposing Certiorari to the U.S. Supreme Court. *United States v. Electrical Workers Local No. 38*, 428 F.2d 144 (6th Cir. 1970), *cert. denied*, 400 U.S. 943 (1970). At the same time Mr. Marshall was working with Bill Fenton on the St. Louis-San Francisco Railway Case for the train porters; *Howard v. St. Louis-San Francisco Railway Co.*, 361 F.2d 905 (8th Cir. 1966). That case was tried in St. Louis, Missouri and ultimately was won on appeal to the 8th Circuit. Judge Roy Harper did everything he could to make it difficult to try the case but Mr. Marshall and the team persevered. The Train Porters received seniority and were allowed to transfer to freight trains. Mr. Marshall also handled the Electrical Union case in New Orleans; *United States v. Electrical Workers Local No. 38*, 428 F.2d 144 (6th Cir. 1970). In the deposition of the President of the union, when asked why there were no blacks in the union, the union President testified that blacks were afraid of electricity. As a result of that comment Joel Selig was able to put together the New Orleans plan. The plan joined all the trade unions together in New Orleans in an affirmative action program, and they built the Superdome. Mr. Marshall also worked on the D.C. Trucking case in which relief was provided to long haul truckers; *Teamsters v. United States*, 431 U.S. 324 (1977). Mr. Marshall also assisted Mr. Squire Padgett in the East St. Louis trade unions; *United States v. Sheet Metal Workers Local 36*, 280 F. Supp. 719 (E.D. Mo. 1968). In the Criminal Section, Mr. Marshall obtained guilty pleas on involuntary servitude cases and won a jury trial in Tulsa, Oklahoma on an 18 U.S.C. § 242 case of a police officer abusing his office by beating an arrestee. Mr. Marshall also lost a jury trial in Lexington, Kentucky, against a deputy sheriff who shot and killed a high school basketball coach. Mr. Marshall considers that portion of his career as the most rewarding legal work he has ever done.

Frank Petramalo, Jr., is a 1969 graduate of the Georgetown University Law Center. After graduation he joined the DOJ as a trial attorney in the ELS where he served until 1973. In that four year period, he handled Title VII litigation involving building trades unions in Cincinnati, Columbus, Indianapolis, St.

Louis, Las Vegas, Seattle, San Francisco, and Los Angeles. Mr. Petramalo was also involved in litigation with city fire departments in Chicago, Los Angeles, and Boston.

From 1973–74, Mr. Petramalo worked as a staff attorney with the District of Columbia Public Defender Service representing indigent criminal defendants.

From 1974 through 2004, he practiced labor and employment law with the Washington, D.C. firms of Bredhoff & Kaiser and Gordon & Barnett. His practice centered on representing employees, employee organizations, and labor unions.

After retiring from practice in Washington, D.C., Mr. Petramalo became the Executive Director and General Counsel for the Virginia Horsemen's Benevolent & Protective Association ("VHBPA") in Warrenton, Virginia. The VHBPA represents approximately 1,800 thoroughbred horse owners and trainers who race at Colonial Downs in New Kent, Virginia.

Doug Huron has been practicing employment law for forty years, beginning in 1970 at the Civil Rights Division of the DOJ with the only break being a four-year stint in the White House Counsel's office during the Carter administration. While at the DOJ, he was the lead lawyer for the government in a trial before Judge Frank Johnson that resulted in the desegregation of the Alabama State Troopers; *Paradise v. Shoemaker*, 470 F. Supp. 439 (M.D. Ala. 1979). Since entering private practice in 1981, his highest profile case has been *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989). Mr. Huron has written several amicus curiae briefs for the Supreme Court, and he wrote the brief for the appellee in another Supreme Court case in 2007; *Office of Senator Mark Dayton v. Hanson*, 550 U.S. 511 (2007). He has also published articles on employment law in the *Washington Post* and other journals. Doug is currently with the D.C. firm of Heller, Huron, Chertkof, Lerner, Simon & Salzman and is married to Amy Wind, the Chief Mediator for the D.C. Circuit.

ENFORCEMENT AGAINST STATE AND LOCAL GOVERNMENTS

Terence G. Connor serves as the Co-Head of the Labor and Employment practice of the Miami office of Hunton & Williams. Mr. Connor's practice focuses on all aspects of labor and employment law, including complex employment and employee benefits litigation, labor-management relations and labor disputes, railway labor act, and wage and hour laws. Mr. Connor has extensive experience in trying employment and employment discrimination cases in federal and state courts, and the counseling of employers on compliance with state and federal employment laws. Mr. Connor has extensive labor and employment law experience in several industries, including the airline and transportation industries and the biotechnology and pharmaceutical industries. He also has substantial litigation experience in employment, employee benefit, and labor relations matters in state and federal courts.

Mr. Connor worked as a trial attorney with the DOJ Civil Rights Division where he prosecuted pattern and practice cases under Title VII. At the DOJ Civil Rights Division between 1973 and 1976, Mr. Connor developed and litigated cases desegregating the state police forces of Maryland, Michigan,

and New Jersey, each of which was ultimately resolved through Consent Decrees he negotiated with the states and that were entered by the courts. Prior to leaving government service, he had initiated similar actions in New York and North Carolina that were later successful.

Additionally, Mr. Connor was a member of the litigation team in *EEOC v. AT&T*, 556 F.2d 167 (3d Cir. 1977), an early nationwide gender discrimination case, and in the department's desegregation cases against Jefferson County, Alabama. He has also negotiated a system-wide Conciliation Agreement on behalf of National Airlines with the Washington Headquarters Office of the Equal Employment Opportunity Commission and tried, to a defense judgment, the cases of those who opted out of the Conciliation Agreement in *Leonard v. National Airlines, Inc.*, 434 F. Supp. 269 (S.D. Fla. 1977).

Mr. Connor has published numerous works and has been recognized as the Winner of *The American Lawyer's* 2006 Litigation Department of the Year—Labor and Employment Law, Member of Group award and was listed in *The Best Lawyers in America* (2006 & 2007), in *Who's Who Legal* (2005, 2006 & 2007); *Chambers USA: America's Leading Lawyers for Business* (2003, 2004, 2005, 2006 & 2007); and was named among the top lawyers in Florida by *Florida Super Lawyers Magazine*, a listing of the state's "lawyers held in the highest regard" by their peers, for Employment and Labor, June 2007.

Mr. Connor earned his LL.M. from Georgetown University Law Center in 1975, his J.D. from Seton Hall University School of Law in 1967, and his A.B. from Georgetown University in 1964.

Michael Middleton joined the law faculty of the University of Missouri in 1985 after working for the federal government in Washington D.C. He served as a trial attorney in the Civil Rights Division of the DOJ and in 1977 was appointed Assistant Deputy Director of the Office for Civil Rights at the Department of Health, Education, and Welfare.

After serving as Director of the Office of Systemic Programs for the EEOC and as Principal Deputy Assistant Secretary for Civil Rights at the Department of Education, he was appointed Associate General Counsel of the EEOC's trial division. Mr. Middleton returned to St. Louis, where he served as director of the St. Louis district office of the EEOC.

Beginning in 1997, he served as the Interim Vice Provost for Minority Affairs and Faculty Development for the University of Missouri. In 1998, he accepted the position of Deputy Chancellor.

Marybeth Martin served in the ELS of the Civil Rights Division for twenty-eight years as a research analyst, line attorney, and deputy section chief.

Ms. Martin graduated from Randolph-Macon Woman's College in Lynchburg, Virginia, in 1966, with a B.A. in Philosophy. After working briefly on Capitol Hill and for federal contractors, she began working as a research analyst in the Employment Section (now ELS) in 1970, where she served on a variety of Title VII pattern or practice investigations of private employers and unions, and assisted Section attorneys in litigation for over three years. Her assignments included assisting with trials under Title VII against U.S. Steel's Fairfield (Alabama) Works, and the Texas and Baltimore locals of the

International Longshoremens' Association. Through her work in the Section, she became interested in becoming an attorney, and earned a J.D. degree from Antioch School of Law, Washington, D.C., in 1976. For nearly two years, she served as a law clerk to Judge James A. Belson, then of the D.C. Superior Court.

Ms. Martin began working as a line attorney in ELS in 1978. Her Title VII work included referrals of individual charges from the Equal Employment Commission and pattern or practice matters against state and local governments. In addition, her assignments included representing federal agencies in challenges to the constitutionality of various disadvantaged business enterprise programs. Under Title VII cases against the State of Georgia, she worked with ELS paralegals and attorneys in developing a model for the Section to use in proposing remedial monetary and job relief for individual victims in large pattern or practice cases. She also worked on cases the Section brought against the City of Milwaukee, the City of Montgomery, the State of Alabama and other government entities in which issues arose in the enforcement of Title VII consent decrees.

After serving for fifteen years as a trial attorney, she became a Deputy Section Chief in ELS, and, in that position, served as a reviewer of Title VII matters and cases assigned to Section attorneys and paralegals. She also worked with ELS, Division, and federal agency attorneys in coordinating the government's response to challenges to the constitutionality of disadvantaged business and federal contractor programs. In addition, she coordinated Title VI (nondiscrimination provisions of federal funding programs) with other branches of the Division and Department. Beginning in 1995, she served as a representative on the Section's hiring committee for experienced attorneys.

Since her retirement at the end of 2003, Ms. Martin has served as a volunteer on local high school and library projects, and has taught English as a second language to adults at the Dulin Methodist Church and the Literacy Council of Northern Virginia in Falls Church.

Gerald F. George was an attorney in the ELS of the Civil Rights Division from 1969–88. While in the Civil Rights Division, he was lead counsel on a number of state and local government "pattern and practice" suits, including suits addressing hiring and promotion practices in the police and fire departments of Los Angeles and San Francisco, fire departments in St. Louis and the twelve largest cities in New Jersey, state-wide police and fire employment in Louisiana, all city employment in the City of Memphis, and the State Police in Virginia and North Carolina. In 1988, he transferred to the Environment and Natural Resources Division and managed the Environmental Enforcement Section field office in San Francisco. He has been in private practice since 1995 and has specialized in environmental law.

Vivian B. Toler served in the ELS from 1971 until her retirement in 2007. For the vast majority of that time, she was the supervisor of a staff of paralegal specialists, formerly called Research Analysts. Ms. Toler either personally worked or supervised the work of her staff on every investigation or case handled by the Employment Section. The matters she worked on include the Las Vegas

gaming industry (which had no African American dealers), the motion picture industry (discrimination against African Americans in “behind the camera” jobs), and several cases against nationwide trucking companies (discrimination against African American applicants for desirable “over the road” jobs). She also provided important research support to the government’s defense of federal affirmative action programs. Her responsibilities included analyzing applicant files; identifying the race of job applicants; interviewing witnesses; preparing statistical analysis to include standard deviations and correlation coefficients; preparing back pay calculations, which were used for settlement discussions or court proceedings; preparing trial exhibits; and testifying.

ENFORCEMENT AND THE FUTURE

William Yeomans joined the American University, Washington College of Law faculty in 2009. From 2006 until 2009, he served as Senator Edward M. Kennedy’s Chief Counsel on the Senate Judiciary Committee. He has also been Legal Director of the Alliance for Justice and the first Director of Programs for the American Constitution Society, where he spearheaded the launch of its two publications: the *Harvard Law and Policy Review* and *Advance*. Prior to that, he spent twenty-six years at the DOJ where he litigated and supervised civil rights cases in the federal courts involving voting rights, school desegregation, employment discrimination, housing discrimination, hate crimes, police misconduct, abortion clinic violence, and human trafficking. He served as Deputy Assistant Attorney General, Chief of Staff, and acting Assistant Attorney General for Civil Rights.

Robert Libman was born and raised in Chicago. He obtained his undergraduate degree from Stanford University in 1985, where he graduated with distinction and was a member of Phi Beta Kappa and Omicron Delta Epsilon (Economics) honor societies. He obtained his law degree from Stanford Law School in 1988, where he graduated Order of the Coif (top ten percent of his class).

From 1988 to 1990, Mr. Libman served as law clerk to the Honorable Joyce Hens Green of the United States District Court for the District of Columbia. Mr. Libman began his career in civil rights litigation as a plaintiff, bringing a constitutional challenge to the United States DOJ’s policy of suspicionless drug-testing of applicants for trial attorney positions in the Department’s Civil Rights Division in *Libman v. Thornburg*.

From 1991 until 2004, Mr. Libman held a variety of positions in the ELS of the Civil Rights Division of the DOJ where he litigated a wide variety of cases under Title VII of the Civil Rights Act of 1964, including claims of employment discrimination on the basis of sex, race, national origin, and religion under both disparate treatment and disparate impact theories. Mr. Libman successfully tried a sex discrimination “failure to promote” case in *United States v. Hancock Count Board of Education*, No. 91-0149-W(S), 1993 WL 436490 (N.D. W. Va. Sept. 1, 1993); litigated and obtained a consent decree in the Civil Rights Division’s first lawsuit alleging a pattern or practice of sexual harassment by a public employer in *United States v. McHenry County*, 1994 WL 447419 (N.D.

Ill. 1994); litigated and obtained a consent decree resolving claims of systemic racial and sexual harassment in *United States v. New Jersey Department of Corrections*, 246 F.3d 267 (3d Cir. 2001); and successfully argued the appeal in *United States v. Southeastern Pennsylvania Transportation Authority*, 181 F.3d 478 (3d Cir. 1999), a case of first impression interpreting the “consistent with business necessity” standard under the disparate impact provisions of the Civil Rights Act of 1991. Mr. Libman trained trial attorneys in the Civil Rights Division and the U.S. EEOC on trial advocacy and case management and spoke frequently on behalf of the DOJ at national conferences of employer, employee, and stakeholder organizations regarding Title VII. In 2002, he was selected by the Civil Rights Division to be its sole representative to the DOJ’s newly formed Employment Discrimination Task Force. Mr. Libman received numerous awards and commendations from the DOJ for his work as a Trial Attorney, Senior Trial Attorney, and Special Litigation Counsel in the ELS.

In 2004, Mr. Libman returned to Chicago to join the law firm of Miner, Barnhill & Galland, where he has been a partner since 2005 and has represented individual and class plaintiffs in a variety of civil rights and other public interest cases. He also represents and counsels individuals in negotiations over employment-related matters including employment contracts and severance agreements. Mr. Libman has served as co-counsel with the Mexican American Legal Defense & Education Fund’s (“MALDEF”) Chicago office in *Vergara v. City of Waukegan*, 590 F. Supp. 2d 1024 (N.D. Ill. 2008) representing a group of Latino and African-American residents in their First Amendment claims against the City of Waukegan and its Mayor and Chief of Police by alleging interference with their rights to protest what they believe to be the Police Department’s racial profiling and discriminatory enforcement of various City ordinances. Mr. Libman has spent a large portion of his time at Miner, Barnhill & Galland representing several States in civil enforcement actions against dozens of pharmaceutical manufacturers alleging pricing fraud in violation of state consumer protection, Medicaid fraud, and false claims statutes. He recently tried two such cases on behalf of the Commonwealth of Kentucky and secured judgments for damages and civil penalties in excess of \$46 million.

Aaron D. Schuham serves as Legislative Director for Americans United for Separation of Church and State, where he supervises legislative and policy activities with Congress and the Administration, and in all fifty states. From 1997 through 2003, Mr. Schuham served as a Trial Attorney, and later a Senior Trial Attorney, in the ELS of the Civil Rights Division. Mr. Schuham received his Sc.B. in Mathematics from Brown University and his J.D. from Stanford Law School. He served as a judicial law clerk to the Honorable Judith W. Rogers on the United States Court of Appeals for the District of Columbia Circuit.

John M. Gadzichowski currently serves as the Chief of the ELS of the DOJ’s Civil Rights Division. Mr. Gadzichowski entered duty with the Department in July 1971 as an Attorney General’s Honors Program trial attorney appointee assigned to ELS, and he has been continuously assigned to ELS since then. Mr. Gadzichowski has extensive experience in the development and prosecution

of Title VII cases. Throughout his career in ELS, he has personally developed, tried, and supervised numerous Title VII pattern or practice cases. Mr. Gadzichowski received his J.D. from Marquette University School of Law in May 1971.

Jocelyn Samuels has served as a Senior Counselor to the Assistant Attorney General for Civil Rights at the DOJ. In that capacity, she oversees the work of the Employment Litigation and Educational Opportunities Sections of the Civil Rights Division and spearheads interagency policy projects related to combating discrimination and promoting equality of opportunity in education and employment.

Prior to her tenure at the DOJ, Ms. Samuels was the Vice President for Education and Employment at the National Women's Law Center in Washington, D.C., where she oversaw an active litigation docket and engaged in legislative and policy advocacy to promote enforcement of Title VII and Title IX. Her prior experience also includes work as a Labor Counsel to Senator Edward M. Kennedy, then Ranking Member and subsequently Chair of the Senate Committee on Health, Education, Labor and Pensions, and as a senior policy attorney at the EEOC. Ms. Samuels has additional experience in the private sector and as a law clerk to a federal judge on the U.S. Court of Appeals for the Ninth Circuit.

Ms. Samuels received her law degree from Columbia University, where she was a Notes Editor of the *Columbia Law Review*, and her bachelor's degree from Middlebury College, where she graduated *magna cum laude* and was elected to *Phi Beta Kappa*.

Michael Selmi joined the George Washington University Law School faculty in 1996, after teaching at the University of North Carolina for two years. Previously, he litigated employment discrimination cases at the Lawyers' Committee for Civil Rights Under Law and the DOJ Civil Rights Division. He also served as a law clerk to Judge James R. Browning, then Chief Judge of the Ninth Circuit Court of Appeals. Professor Selmi teaches courses on employment law, employment discrimination, contracts, and civil rights legislation, and has also taught constitutional law. Professor Selmi has written extensively in the areas of employment discrimination, employment law, and constitutional law; his work often includes empirical analyses of litigation. He has co-authored casebooks involving employment law and civil rights. Professor Selmi worked on a number of Supreme Court cases, including the affirmative action cases involving the University of Michigan. Professor Selmi recently served as a visiting professor at Harvard Law School and has been a commentator for the *New York Times*, *Washington Post*, *Wall Street Journal*, NPR, and MSNBC.